

LEAGUE OF UNITED LATIN
AMERICAN CITIZENS – RICHMOND
REGION COUNCIL 4614, *et al.*,

Plaintiffs,

v.

PUBLIC INTEREST LEGAL
FOUNDATION, an Indiana Corporation,
and J. CHRISTIAN ADAMS

Defendants.

The Parties respectfully request that Exhibits 1 and 2 to ECF No. 130; Exhibits 2, 3, and 4 to ECF No. 185; Exhibit 9 to ECF No. 194; Exhibit 9 to ECF No. 195; Exhibit 4 to ECF No. 200; and Exhibits 5, 6, and 9 to ECF No. 204 (collectively, “the Exhibits”), be selectively sealed with redactions pursuant to Local Civil Rules 5 and 7, and in accordance with the Protective Order entered in this case (ECF No. 111). In support of this request, the Parties state as follows:

1. There currently exists a Protective Order in this case providing that portions of a deposition transcript may be designated as “Confidential.” (ECF No. 111, ¶ 3.)
2. Versions of deposition transcripts that contain information designated as Confidential were inadvertently filed without redaction in ECF No. 185, ECF No. 200, and ECF No. 204.

3. Exhibits 1 and 2 to ECF No. 130; Exhibits 2 and 3 to ECF No. 185; Exhibit 9 to ECF No. 194; Exhibit 9 to ECF No. 195; Exhibit 4 to ECF No. 200; and Exhibits 5, 6, and 9 to ECF No. 204 also contain personal identifiers, as described in Fed. R. Civ. P. 5.2 and Local Rule 7, which were inadvertently filed in unredacted format.
4. In the Fourth Circuit, a party requesting a district court to seal court filings must show: (1) public notice of this request to seal that allows interested parties a reasonable opportunity to object; (2) that there are not less drastic alternatives to sealing the documents; and (3) a statement of specific findings supporting a decision to seal and rejecting alternatives to sealing. *See Malon v. Franklin Fin. Corp.*, C.A. No. 3:14-cv-671, 2014 U.S. Dist. LEXIS 199229 at *4 (E.D. Va. Dec. 4, 2014) (citing *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000)).
5. The deposition transcripts that were inadvertently filed without redaction contain the home addresses of Plaintiffs Eliud Bonilla, Luciana Freeman, and Abby Jo Gearhart. *See* Exhibits 2, 3, and 4 to ECF No. 185; Exhibit 4 to ECF No. 200; Exhibit 9 to ECF No. 204. The parties mutually agreed on the record to designate the addresses of the Plaintiffs as Attorneys' Eyes Only, pursuant to the procedures described in the Protective Order (ECF No. 111). *See* ECF No. 185, Ex. 2 at 9:15-10:15; Ex. 3 at 8:13-20; Ex. 4 at 10:8-16. In light of the sensitive nature of this information and the claims about its publication in this case, Plaintiffs believe that the only method of protecting this information is to permanently redact these portions of the Exhibits.
6. The Parties also seek to correct the unredacted filing of certain personal identifiers contained in Exhibits 1 and 2 to ECF No. 130; Exhibits 2 and 3 to ECF No. 185; Exhibit

9 to ECF No. 194; Exhibit 9 to ECF No. 195; Exhibit 4 to ECF No. 200; and Exhibits 5, 6, and 9 to ECF No. 204 to comply with the standard required by Local Rule 7.

7. Accordingly, to comply with the Protective Order and pursuant to Local Civil Rules 5 and 7, the Parties have filed this Motion to Seal and respectfully request that the Court enter an Order permanently sealing the Exhibits as indicated in Exhibits A through K to the Cleminshaw Declaration.
8. With this Memorandum in Support of the Parties' Joint Motion to Seal, the Parties have also filed a Notice of Motion to Seal, Motion to Seal, a Proposed Order to seal the materials, and a Waiver of Oral Argument pursuant to Local Rules 5 and 7.

Dated: July 15, 2019

Respectfully submitted,

/s/ Michael J. Lockerby

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CERTIFICATE OF SERVICE

I, Nicole Cleminshaw, hereby certify that on July 15, 2019, I electronically filed the foregoing Memorandum in Support of the Parties' Joint Motion to Selectively Seal Previously Filed Exhibits using the CM/ECF system, which shall send notification of such filing (NEF) to the following counsel of record:

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